



General Assembly

January Session, 2019

**Raised Bill No. 7070**

LCO No. 3577



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

**AN ACT CONCERNING DECEPTIVE ADVERTISING PRACTICES OF LIMITED SERVICES PREGNANCY CENTERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2019*) As used in this section and  
2 sections 2 and 3 of this act, the following terms shall have the  
3 following meanings:

4 (1) "Abortion" means the termination of a pregnancy for purposes  
5 other than producing a live birth. "Abortion" includes, but is not  
6 limited to, a termination of a pregnancy using pharmacological agents;

7 (2) "Client" means an individual who is inquiring about or seeking  
8 services at a pregnancy services center;

9 (3) "Clinical laboratory services" means the microbiological,  
10 serological, chemical, hematological, biophysical, cytological, or  
11 pathological examination of materials derived from the human body  
12 for the purpose of obtaining information for the diagnosis, prevention,  
13 or treatment of disease or the assessment of a health condition;

14 (4) "Emergency contraception" means one or more prescription  
15 drugs (A) used separately or in combination for the purpose of  
16 preventing pregnancy, (B) administered to or self-administered by a  
17 patient within a medically recommended amount of time after sexual  
18 intercourse, (C) dispensed for such purpose in accordance with  
19 professional standards of practice, and (D) determined by the United  
20 States Food and Drug Administration to be safe for such purpose;

21 (5) "Health information" means any oral or written information in  
22 any form or medium that relates to health insurance or the past,  
23 present or future physical or mental health or condition of a client;

24 (6) "Licensed health care provider" means a person licensed under  
25 the provisions of federal or state law to provide health care or other  
26 medical services;

27 (7) "Limited services pregnancy center" means a pregnancy services  
28 center that does not provide referrals to clients for abortions or  
29 emergency contraception;

30 (8) "Pregnancy-related service" means any medical or health  
31 counseling service related to pregnancy or pregnancy prevention,  
32 including, but not limited to, contraception and contraceptive  
33 counseling, pregnancy testing, pregnancy diagnosis, pregnancy  
34 options counseling, obstetric ultrasound, obstetric sonogram and  
35 prenatal care;

36 (9) "Pregnancy services center" means a facility, including a mobile  
37 facility, the primary purpose of which is to provide services to clients  
38 who are or may be pregnant and that either (A) offers obstetric  
39 ultrasounds, obstetric sonograms, pregnancy testing or diagnosis, or  
40 prenatal care to pregnant clients, or (B) has the appearance of a  
41 medical facility by virtue of having two or more of the following  
42 factors present: (i) Staff or volunteers who wear medical attire and  
43 uniforms; (ii) one or more examination tables; (iii) a private or  
44 semi-private room or area containing medical supplies or medical

45 instruments; (iv) staff or volunteers who collect health information  
46 from clients; or (v) the facility is located on the same premises as a  
47 licensed health care facility or licensed health care provider or shares  
48 facility space with a licensed health care provider;

49 (10) "Premises" means land and improvements or appurtenances or  
50 any part thereof; and

51 (11) "Prenatal care" means services consisting of a physical  
52 examination, pelvic examination or clinical laboratory services  
53 provided to a client during pregnancy.

54 Sec. 2. (NEW) (*Effective July 1, 2019*) No limited services pregnancy  
55 center shall make or disseminate or cause to be made or disseminated  
56 in any newspaper or other publication, through any advertising  
57 device, or in any other manner, including, but not limited to, through  
58 use of the Internet, any statement concerning any pregnancy-related  
59 service or the provision of any pregnancy-related service (1) that is  
60 false, misleading or deceptive or that a limited services pregnancy  
61 center reasonably should know to be false, misleading or deceptive, or  
62 (2) with the intent not to perform such pregnancy-related service as  
63 advertised.

64 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) The Attorney General may  
65 apply to any court of competent jurisdiction for injunctive relief to  
66 compel compliance with the provisions of section 2 of this act and  
67 correct the effects of the false, misleading, or deceptive advertising.  
68 Any injunctive relief ordered by the court under this section may  
69 require a limited services pregnancy center to take whatever remedial  
70 steps the court deems necessary to correct the effects of the false,  
71 misleading or deceptive advertising and to prevent further harm from  
72 occurring. Such steps may include requiring the limited service  
73 pregnancy center to:

74 (1) Pay for and disseminate appropriate corrective advertising in the  
75 same form and using the same advertising device as used in the false,

76 misleading, or deceptive advertising;

77 (2) Post a remedial notice that corrects the effects of the false,  
78 misleading or deceptive advertising for clients entering the facility that  
79 may have seen the original false, misleading or deceptive  
80 advertisements, but not any subsequent court-ordered corrective  
81 advertisements required under subdivision (1) of this subsection; or

82 (3) Provide such other relief as the court deems necessary to remedy  
83 the adverse effects of the false, misleading, or deceptive advertising on  
84 any clients seeking pregnancy-related services.

85 (b) Upon a finding by the court that a limited services pregnancy  
86 center has violated any provision of section 2 of this act, the state shall  
87 be entitled to recover (1) civil penalties of not less than fifty dollars and  
88 not more than five hundred dollars per violation, and (2) reasonable  
89 attorney's fees and costs.

90 (c) Nothing in this section shall be construed as a limitation upon  
91 the power or authority of the state or any political subdivision thereof  
92 to seek any administrative, legal or equitable relief permitted by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section
Sec. 3	<i>July 1, 2019</i>	New section

**Statement of Purpose:**

To prohibit deceptive advertising practices by limited services pregnancy centers.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*